

105TH CONGRESS  
2D SESSION

# H. R. 4634

To catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 1998

Mr. GILCHREST (for himself, Mr. BOEHLERT, Mrs. TAUSCHER, Mr. FORBES, Mrs. KELLY, Mr. SHAYS, Mrs. LOWEY, Mr. GOSS, Mr. BILBRAY, Mr. CARDIN, Mr. SAXTON, Mr. BENTSEN, Mr. LAMPSON, and Mr. GREENWOOD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Estuary Habitat Restoration Partnership Act of 1998”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—ESTUARY HABITAT RESTORATION

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. Establishment of Collaborative Council.

Sec. 105. Duties of Collaborative Council.

Sec. 106. Cost sharing of estuary habitat restoration projects.

Sec. 107. Monitoring and maintenance of estuary habitat restoration projects.

Sec. 108. Cooperative agreements; memoranda of understanding.

Sec. 109. Distribution of appropriations for estuary habitat restoration activities.

Sec. 110. Authorization of appropriations.

Sec. 111. National estuary program.

Sec. 112. General provisions.

#### TITLE II—CHESAPEAKE BAY AND OTHER REGIONAL INITIATIVES

Sec. 201. Chesapeake Bay.

Sec. 202. Long Island Sound.

## 3 **TITLE I—ESTUARY HABITAT** 4 **RESTORATION**

### 5 **SEC. 101. FINDINGS.**

6 Congress finds that—

7 (1) estuaries provide some of the most eco-  
 8 logically and economically productive habitat for an  
 9 extensive variety of plants, fish, wildlife, and water-  
 10 fowl;

11 (2) the estuaries and coastal regions of the  
 12 United States are home to one-half the population of  
 13 the United States and provide essential habitat for  
 14 75 percent of the Nation's commercial fish catch  
 15 and 80 to 90 percent of its recreational fish catch;

1           (3) estuaries are gravely threatened by habitat  
2           alteration and loss from pollution, development, and  
3           overuse;

4           (4) successful restoration of estuaries demands  
5           the coordination of Federal, State, and local estuary  
6           habitat restoration programs; and

7           (5) the Federal, State, local, and private co-  
8           operation in estuary habitat restoration activities in  
9           existence on the date of enactment of this Act  
10          should be strengthened and new public and public-  
11          private estuary habitat restoration partnerships  
12          established.

13 **SEC. 102. PURPOSES.**

14          The purposes of this title are—

15               (1) to establish a voluntary program to restore  
16               1,000,000 acres of estuary habitat by 2010;

17               (2) to foster coordination of Federal, State, and  
18               community estuary habitat restoration programs,  
19               plans, and studies;

20               (3) to establish effective estuary habitat res-  
21               toration partnerships among public agencies at all  
22               levels of government and between the public and pri-  
23               vate sectors;

24               (4) to promote efficient financing of estuary  
25               habitat restoration activities; and

1           (5) to develop and enhance monitoring and re-  
2       search capabilities to ensure that estuary habitat  
3       restoration efforts are based on sound scientific un-  
4       derstanding.

5 **SEC. 103. DEFINITIONS.**

6       In this title:

7           (1) COLLABORATIVE COUNCIL.—The term “Col-  
8       laborative Council” means the interagency council  
9       established by section 104.

10          (2) DEGRADED ESTUARY HABITAT.—The term  
11       “degraded estuary habitat” means estuary habitat  
12       where natural ecological functions have been im-  
13       paired and normal beneficial uses have been reduced.

14          (3) ESTUARY.—The term “estuary” means—  
15               (A) a body of water in which fresh water  
16               from a river or stream meets and mixes with  
17               salt water from the ocean; and

18               (B) the physical, biological, and chemical  
19               elements associated with such a body of water.

20          (4) ESTUARY HABITAT.—

21               (A) IN GENERAL.—The term “estuary  
22       habitat” means the complex of physical and hy-  
23       drologic features and living organisms within  
24       estuaries and associated ecosystems.

1 (B) INCLUSIONS.—The term “estuary  
2 habitat” includes salt and fresh water coastal  
3 marshes, coastal forested wetlands and other  
4 coastal wetlands, maritime forests, coastal  
5 grasslands, tidal flats, natural shoreline areas,  
6 shellfish beds, sea grass meadows, kelp beds,  
7 river deltas, river and stream banks under tidal  
8 influence, and beds of submerged aquatic vege-  
9 tation.

10 (5) ESTUARY HABITAT RESTORATION ACTIV-  
11 ITY.—

12 (A) IN GENERAL.—The term “estuary  
13 habitat restoration activity” means an activity  
14 that results in improving degraded estuary  
15 habitat (including both physical and functional  
16 restoration), with the goal of attaining a self-  
17 sustaining system integrated into the surround-  
18 ing landscape.

19 (B) INCLUDED ACTIVITIES.—The term  
20 “estuary habitat restoration activity” in-  
21 cludes—

22 (i) the reestablishment of physical fea-  
23 tures and biological and hydrologic func-  
24 tions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term “estuary habitat restoration project” means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this title, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term “estuary habitat restoration strategy” means the estuary habitat restoration strategy developed under section 105(a).

(8) ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term “estuary management

1 or habitat restoration plan” means any plan for res-  
 2 toration of degraded estuary habitat that—

3 (A) was developed by a public body with  
 4 the substantial participation of appropriate  
 5 public and private stakeholders; and

6 (B) reflects a community-based planning  
 7 process.

8 (9) SECRETARY.—The term “Secretary” means  
 9 the Secretary of the Army, or a designee.

10 **SEC. 104. ESTABLISHMENT OF COLLABORATIVE COUNCIL.**

11 (a) COLLABORATIVE COUNCIL.—There is established  
 12 an interagency council to be known as the “Estuary Habi-  
 13 tat Restoration Collaborative Council”.

14 (b) MEMBERSHIP.—

15 (1) IN GENERAL.—The Collaborative Council  
 16 shall be composed of the Secretary, the Under Sec-  
 17 retary for Oceans and Atmosphere of the Depart-  
 18 ment of Commerce, the Administrator of the Envi-  
 19 ronmental Protection Agency, and the Secretary of  
 20 the Interior (acting through the Director of the  
 21 United States Fish and Wildlife Service), or their  
 22 designees.

23 (2) CHAIRPERSON; LEAD AGENCY.—The Sec-  
 24 retary, or designee, shall chair the Collaborative

1 Council, and the Department of the Army shall  
2 serve as the lead agency.

3 (c) CONVENING OF COLLABORATIVE COUNCIL.—The  
4 Secretary shall—

5 (1) convene the first meeting of the Collabo-  
6 rative Council not later than 30 days after the date  
7 of enactment of this Act; and

8 (2) convene additional meetings as often as ap-  
9 propriate to ensure that this title is fully carried out,  
10 but not less often than quarterly.

11 (d) COLLABORATIVE COUNCIL PROCEDURES.—

12 (1) QUORUM.—Three members of the Collabo-  
13 rative Council shall constitute a quorum. For any  
14 decision by the Council, a quorum must be present  
15 and voting.

16 (2) VOTING AND MEETING PROCEDURES.—The  
17 Collaborative Council shall establish procedures for  
18 voting and the conduct of meetings by the Council.

19 **SEC. 105. DUTIES OF COLLABORATIVE COUNCIL.**

20 (a) ESTUARY HABITAT RESTORATION STRATEGY.—

21 (1) IN GENERAL.—Not later than 1 year after  
22 the date of enactment of this Act, the Collaborative  
23 Council, in consultation with State and other non-  
24 Federal entities, including nonprofit entities, as ap-  
25 propriate, shall develop an estuary habitat restora-



1       tion strategy designed to ensure a comprehensive ap-  
2       proach to the selection and prioritization of estuary  
3       habitat restoration projects and to foster the coordi-  
4       nation of Federal and non-Federal activities related  
5       to restoration of estuary habitat.

6               (2) INTEGRATION OF ESTUARY HABITAT RES-  
7       TURATION PLANS, PROGRAMS, AND PARTNER-  
8       SHIPS.—In developing the estuary habitat restora-  
9       tion strategy, the Collaborative Council shall—

10               (A) conduct a review of—

11                       (i) estuary management or habitat  
12                       restoration plans; and

13                       (ii) Federal programs established  
14                       under other law that authorize funding for  
15                       estuary habitat restoration activities;

16               (B) develop a set of proposals for—

17                       (i) using programs established under  
18                       this or any other Act to maximize the in-  
19                       centives for the creation of new public-pri-  
20                       vate partnerships to carry out estuary  
21                       habitat restoration projects; and

22                       (ii) using Federal resources to encour-  
23                       age increased private sector involvement in  
24                       estuary habitat restoration activities; and

1 (C) ensure that the estuary habitat res-  
2 toration strategy is developed and will be imple-  
3 mented in a manner that is consistent with the  
4 federally approved estuary management or habi-  
5 tat restoration plans.

6 (3) ELEMENTS TO BE CONSIDERED.—Consist-  
7 ent with the requirements of this section, the Col-  
8 laborative Council, in the development of the estuary  
9 habitat restoration strategy, shall consider—

10 (A) the contributions of estuary habitat  
11 to—

12 (i) wildlife, including endangered and  
13 threatened species, migratory birds, and  
14 resident species of an estuary watershed;

15 (ii) fish and shellfish, including com-  
16 mercial and sport fisheries;

17 (iii) surface and ground water quality  
18 and quantity, and flood control;

19 (iv) outdoor recreation; and

20 (v) other areas of concern that the  
21 Collaborative Council determines to be ap-  
22 propriate for consideration;

23 (B) the estimated historic losses, estimated  
24 current rate of loss, and extent of the threat of

1 future loss or degradation of each type of estu-  
2 ary habitat; and

3 (C) the most appropriate method for se-  
4 lecting a balance of smaller and larger estuary  
5 habitat restoration projects.

6 (4) ADVICE.—The Collaborative Council shall  
7 seek the advice of experts in restoration of estuary  
8 habitat to assist in the development of an estuary  
9 habitat restoration strategy.

10 (5) PUBLIC REVIEW AND COMMENT.—Before  
11 adopting a final estuary habitat restoration strategy,  
12 the Collaborative Council shall publish in the Fed-  
13 eral Register a draft of the estuary habitat restora-  
14 tion strategy and provide an opportunity for public  
15 review and comment.

16 (6) PERIODIC REVISION.—Using data and in-  
17 formation developed through project monitoring,  
18 management, and other relevant information, the  
19 Collaborative Council shall periodically review and  
20 update, as necessary, the estuary habitat restoration  
21 strategy.

22 (b) PROJECT APPLICATIONS.—

23 (1) IN GENERAL.—An application for an estu-  
24 ary habitat restoration project shall originate from a  
25 State or other non-Federal entity and shall require,

1       when appropriate, the approval of State or local  
2       agencies.

3               (2) FACTORS TO BE TAKEN INTO ACCOUNT.—

4       In determining the eligibility of an estuary habitat  
5       restoration project for financial assistance under this  
6       title, the Collaborative Council shall consider the fol-  
7       lowing factors:

8               (A) Whether the proposed estuary habitat  
9       restoration project meets the criteria specified  
10      in the estuary habitat restoration strategy.

11              (B) The technical merit and feasibility of  
12      the proposed estuary habitat restoration  
13      project.

14              (C) Whether the non-Federal entities pro-  
15      posing the estuary habitat restoration project  
16      provide satisfactory assurances that they will  
17      have adequate personnel, funding, and author-  
18      ity to carry out and properly maintain the estu-  
19      ary habitat restoration project.

20              (D) Whether the proposed estuary habitat  
21      restoration project will encourage the increased  
22      coordination and cooperation of Federal, State,  
23      and local government agencies.

1           (E) The amount of private funds or in-  
2           kind contributions for the estuary habitat res-  
3           toration project.

4           (F) Whether the proposed habitat restora-  
5           tion project includes a monitoring plan to en-  
6           sure that short-term and long-term restoration  
7           goals are achieved.

8           (G) Other factors that the Collaborative  
9           Council determines to be reasonable and nec-  
10          essary for consideration.

11          (4) PRIORITY ESTUARY HABITAT RESTORATION  
12          PROJECTS.—An estuary habitat restoration project  
13          shall be given a higher priority in receipt of funding  
14          under this title if, in addition to meeting the selec-  
15          tion criteria established by the Council—

16                (A) the estuary habitat restoration project  
17                is part of a federally approved estuary manage-  
18                ment or habitat restoration plan;

19                (B) the non-Federal share with respect to  
20                the estuary habitat restoration project exceeds  
21                50 percent; or

22                (C) there is a program within the water-  
23                shed of the estuary habitat restoration project  
24                that addresses sources of pollution and other

1 activities that otherwise would re-impair the re-  
2 stored habitat.

3 (5) EXCLUDED ACTIVITIES.—An activity shall  
4 not be considered to be an estuary habitat restora-  
5 tion activity under this title if the activity—

6 (A) constitutes mitigation for the adverse  
7 effects of an activity regulated or otherwise gov-  
8 erned by Federal or State law; or

9 (B) constitutes restitution for natural re-  
10 source damages required under any Federal or  
11 State law.

12 (c) INTERIM ACTIONS.—

13 (1) IN GENERAL.—Pending completion of the  
14 estuary habitat restoration strategy developed under  
15 subsection (a), the Collaborative Council may pay  
16 the Federal share of the cost of an interim action to  
17 carry out an estuary habitat restoration activity.

18 (2) FEDERAL SHARE.—The Federal share of  
19 the cost of an estuary habitat restoration activity as-  
20 sisted under this title before the completion of the  
21 estuary habitat restoration strategy shall not exceed  
22 25 percent.

23 (d) COOPERATION OF NON-FEDERAL PARTNERS.—

24 (1) IN GENERAL.—The Collaborative Council  
25 shall not select an estuary habitat restoration project

1       until a non-Federal interest has entered into a writ-  
2       ten agreement with the Secretary in which it agrees  
3       to provide the required non-Federal cooperation for  
4       the project.

5           (2) NONPROFIT ENTITIES.—Notwithstanding  
6       section 221 of the Flood Control Act of 1970 (42  
7       U.S.C. 1962d–5b(b)), for any project undertaken  
8       under this section, the Secretary may, after coordi-  
9       nation with the appropriate State and local officials  
10      responsible for the political jurisdiction in which a  
11      project would occur, allow a nonprofit entity to serve  
12      as the non-Federal interest.

13          (3) MAINTENANCE AND MONITORING.—A co-  
14      operation agreement entered into under paragraph  
15      (1) shall provide for maintenance and monitoring of  
16      the estuary habitat restoration project to the extent  
17      determined necessary.

18          (e) MONITORING DATA STANDARDS.—The Collabo-  
19      rative Council shall develop standard data formats for  
20      monitoring projects, along with requirements for types of  
21      data collected and frequency of monitoring.

22          (f) AGENCY CONSULTATION AND COORDINATION.—  
23      In carrying out this section, the Collaborative Council  
24      shall, as the Collaborative Council determines it to be nec-

1 essary, consult with, cooperate with, and coordinate its ac-  
 2 tivities with the activities of other Federal agencies.

3 (g) BENEFITS AND COSTS OF ESTUARY HABITAT  
 4 RESTORATION PROJECTS.—The Collaborative Council  
 5 shall evaluate the benefits and costs of estuary habitat res-  
 6 toration projects in accordance with section 907 of the  
 7 Water Resources Development Act of 1986 (33 U.S.C.  
 8 2284).

9 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
 10 authorized to be appropriated to the Department of the  
 11 Army—

12 (1) for the administration and operation of the  
 13 Collaborative Council \$2,000,000 for each of fiscal  
 14 years 1999 through 2003; and

15 (2) for the acquisition, maintenance, and man-  
 16 agement of monitoring data on restoration projects  
 17 funded under this title, \$2,000,000 for each of fiscal  
 18 years 1999 through 2003.

19 **SEC. 106. COST SHARING OF ESTUARY HABITAT RESTORA-**  
 20 **TION PROJECTS.**

21 (a) IN GENERAL.—No financial assistance in carry-  
 22 ing out an estuary habitat restoration project shall be  
 23 available under this title from any Federal agency unless  
 24 the non-Federal applicant for assistance demonstrates  
 25 that the estuary habitat restoration project meets—



1 (1) the requirements of this title; and

2 (2) any criteria established by the Collaborative  
3 Council under this title.

4 (b) FEDERAL SHARE.—The Federal share of the cost  
5 of an estuary habitat restoration and protection project  
6 assisted under this title shall not exceed 65 percent.

7 (c) NON-FEDERAL SHARE.—The non-Federal share  
8 of the cost of an estuary habitat restoration project may  
9 be provided in the form of land, easements, rights-of-way,  
10 services, or any other form of in-kind contribution deter-  
11 mined by the Collaborative Council to be an appropriate  
12 contribution equivalent to the monetary amount required  
13 for the non-Federal share of the estuary habitat restora-  
14 tion project.

15 (d) ALLOCATION OF FUNDS BY STATES TO POLITI-  
16 CAL SUBDIVISIONS.—With the approval of the Secretary,  
17 a State may allocate to any local government, area-wide  
18 agency designated under section 204 of the Demonstration  
19 Cities and Metropolitan Development Act of 1966 (42  
20 U.S.C. 3334), regional agency, or interstate agency, a por-  
21 tion of any funds disbursed in accordance with this title  
22 for the purpose of carrying out an estuary habitat restora-  
23 tion project.

1 **SEC. 107. MONITORING AND MAINTENANCE OF ESTUARY**  
2 **HABITAT RESTORATION PROJECTS.**

3 (a) DATABASE OF RESTORATION PROJECT INFORMA-  
4 TION.—The Secretary shall maintain an appropriate data-  
5 base of information concerning estuary habitat restoration  
6 projects funded under this title, including information on  
7 project techniques, project completion, monitoring data,  
8 and other relevant information.

9 (b) REPORT.—

10 (1) IN GENERAL.—The Collaborative Council  
11 shall biennially submit a report to the Committee on  
12 Environment and Public Works of the Senate and  
13 the Committee on Transportation and Infrastructure  
14 of the House of Representatives on the results of ac-  
15 tivities carried out under this title.

16 (2) CONTENTS OF REPORT.—A report under  
17 paragraph (1) shall include—

18 (A) data on the number of acres of estuary  
19 habitat restored under this title, including the  
20 number of projects approved and completed  
21 that comprise those acres;

22 (B) the percentage of restored estuary  
23 habitat monitored under a plan to ensure that  
24 short-term and long-term restoration goals are  
25 achieved;

1 (C) an estimate of the long-term success of  
2 varying restoration techniques used in carrying  
3 out estuary habitat restoration projects;

4 (D) a review of how the information de-  
5 scribed in subparagraphs (A) through (C) has  
6 been incorporated in the selection and imple-  
7 mentation of estuary habitat restoration  
8 projects;

9 (E) a review of efforts made to maintain  
10 an appropriate database of restoration projects  
11 funded under this title; and

12 (F) a review of the measures taken to pro-  
13 vide the information described in subparagraphs  
14 (A) through (C) to persons with responsibility  
15 for assisting in the restoration of estuary habi-  
16 tat.

17 **SEC. 108. COOPERATIVE AGREEMENTS; MEMORANDA OF**  
18 **UNDERSTANDING.**

19 In carrying out this title, the Collaborative Council  
20 may—

21 (1) enter into cooperative agreements with Fed-  
22 eral, State, and local government agencies and other  
23 entities; and

24 (2) execute such memoranda of understanding  
25 as are necessary to reflect the agreements.

1 **SEC. 109. DISTRIBUTION OF APPROPRIATIONS FOR ESTU-**  
2 **ARY HABITAT RESTORATION ACTIVITIES.**

3 The Secretary shall allocate funds made available to  
4 carry out this title based on the need for the funds and  
5 such other factors as are determined to be appropriate to  
6 carry out this title.

7 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) AUTHORIZATION OF APPROPRIATIONS UNDER  
9 OTHER LAW.—Funds authorized to be appropriated  
10 under section 908 of the Water Resources Development  
11 Act of 1986 (33 U.S.C. 2285) and section 206 of the  
12 Water Resources Development Act of 1996 (33 U.S.C.  
13 2330) may be used by the Secretary in accordance with  
14 this title to assist States and other non-Federal persons  
15 in carrying out estuary habitat restoration projects or in-  
16 terim actions under section 105(c).

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to the Secretary to carry  
19 out estuary habitat restoration activities—

- 20 (1) \$40,000,000 for fiscal year 1999;  
21 (2) \$50,000,000 for fiscal year 2000; and  
22 (3) \$75,000,000 for each of fiscal years 2001  
23 through 2003.

24 **SEC. 111. NATIONAL ESTUARY PROGRAM.**

25 (a) GRANTS FOR COMPREHENSIVE CONSERVATION  
26 AND MANAGEMENT PLANS.—Section 320(g)(2) of the

1 Federal Water Pollution Control Act (33 U.S.C.  
2 1330(g)(2)) is amended by inserting “, implementation,  
3 and managing the implementation” after “development”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
5 320(i) of the Federal Water Pollution Control Act (33  
6 U.S.C. 1330(i)) is amended by striking “1987” and all  
7 that follows through “1991” and inserting the following:  
8 “1987 through 1991, such sums as may be necessary for  
9 fiscal years 1992 through 1998, and \$25,000,000 for each  
10 of fiscal years 1999 and 2000”.

11 **SEC. 112. GENERAL PROVISIONS.**

12 (a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF  
13 ENGINEERS.—The Secretary may carry out estuary habi-  
14 tat restoration projects in accordance with this title.

15 (b) INAPPLICABILITY OF CERTAIN LAW.—Sections  
16 203, 204, and 205 of the Water Resources Development  
17 Act of 1986 (33 U.S.C. 2231, 2232, and 2233) shall not  
18 apply to an estuary habitat restoration project selected in  
19 accordance with this title.

20 (c) ESTUARY HABITAT RESTORATION MISSION.—  
21 The Secretary shall ensure that restoration of estuary  
22 habitat is included as a primary mission of the Corps of  
23 Engineers under section 306 of Water Resources Develop-  
24 ment Act of 1990 (33 U.S.C. 2316).

1 (d) FEDERAL AGENCY FACILITIES AND PERSON-  
2 NEL.—

3 (1) IN GENERAL.—Federal agencies may co-  
4 operate in carrying out scientific and other programs  
5 necessary to carry out this title, and may provide fa-  
6 cilities and personnel, for the purpose of assisting  
7 the Collaborative Council in carrying out its duties  
8 under this title.

9 (2) REIMBURSEMENT FROM COLLABORATIVE  
10 COUNCIL.—Federal agencies may accept reimburse-  
11 ment from the Collaborative Council for providing  
12 services, facilities, and personnel under paragraph  
13 (1).

14 (e) ADMINISTRATIVE EXPENSES AND STAFFING.—  
15 Not later than 180 days after the date of enactment of  
16 this title, the Comptroller General of the United States  
17 shall submit to Congress and the Secretary an analysis  
18 of the extent to which the Collaborative Council needs ad-  
19 ditional personnel and administrative resources to fully  
20 carry out its duties under this title. The analysis shall in-  
21 clude recommendations regarding necessary additional  
22 funding.

1 **TITLE II—CHESAPEAKE BAY AND**  
2 **OTHER REGIONAL INITIATIVES**

3 **SEC. 201. CHESAPEAKE BAY.**

4 Section 117 of the Federal Water Pollution Control  
5 Act (33 U.S.C. 1267) is amended to read as follows:

6 **“SEC. 117. CHESAPEAKE BAY.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) CHESAPEAKE BAY AGREEMENT.—The  
9 term ‘Chesapeake Bay Agreement’ means the for-  
10 mal, voluntary agreements, amendments, directives,  
11 and adoption statements executed to achieve the  
12 goal of restoring and protecting the Chesapeake Bay  
13 ecosystem and the living resources of the ecosystem  
14 and signed by the Chesapeake Executive Council.

15 “(2) CHESAPEAKE BAY PROGRAM.—The term  
16 ‘Chesapeake Bay Program’ means the program di-  
17 rected by the Chesapeake Executive Council in ac-  
18 cordance with the Chesapeake Bay Agreement.

19 “(3) CHESAPEAKE BAY WATERSHED.—The  
20 term ‘Chesapeake Bay watershed’ shall have the  
21 meaning determined by the Administrator.

22 “(4) CHESAPEAKE EXECUTIVE COUNCIL.—The  
23 term ‘Chesapeake Executive Council’ means the sig-  
24 natories to the Chesapeake Bay Agreement.

1           “(5) SIGNATORY JURISDICTION.—The term  
2           ‘signatory jurisdiction’ means a jurisdiction of a sig-  
3           natory to the Chesapeake Bay Agreement.

4           “(b) CONTINUATION OF CHESAPEAKE BAY PRO-  
5           GRAM.—

6           “(1) IN GENERAL.—In cooperation with the  
7           Chesapeake Executive Council (and as a member of  
8           the Council), the Administrator shall continue the  
9           Chesapeake Bay Program.

10          “(2) PROGRAM OFFICE.—The Administrator  
11          shall maintain in the Environmental Protection  
12          Agency a Chesapeake Bay Program Office. The  
13          Chesapeake Bay Program Office shall provide sup-  
14          port to the Chesapeake Executive Council by—

15               “(A) implementing and coordinating  
16               science, research, modeling, support services,  
17               monitoring, data collection, and other activities  
18               that support the Chesapeake Bay Program;

19               “(B) developing and making available,  
20               through publications, technical assistance, and  
21               other appropriate means, information pertain-  
22               ing to the environmental quality and living re-  
23               sources of the Chesapeake Bay;

24               “(C) assisting the signatories to the Chesa-  
25               peake Bay Agreement, in cooperation with ap-



1           appropriate Federal, State, and local authorities,  
2           in developing and implementing specific action  
3           plans to carry out the responsibilities of the sig-  
4           natories to the Chesapeake Bay Agreement;

5           “(D) coordinating the actions of the Envi-  
6           ronmental Protection Agency with the actions  
7           of the appropriate officials of other Federal  
8           agencies and State and local authorities in de-  
9           veloping strategies to—

10           “(i) improve the water quality and liv-  
11           ing resources of the Chesapeake Bay; and

12           “(ii) obtain the support of the appro-  
13           priate officials of the agencies and authori-  
14           ties in achieving the objectives of the  
15           Chesapeake Bay Agreement; and

16           “(E) implementing outreach programs for  
17           public information, education, and participation  
18           to foster stewardship of the resources of the  
19           Chesapeake Bay.

20           “(c) INTERAGENCY AGREEMENTS.—The Adminis-  
21           trator may enter into an interagency agreement with a  
22           Federal agency to carry out this section.

23           “(d) TECHNICAL ASSISTANCE AND ASSISTANCE  
24           GRANTS.—

1           “(1) IN GENERAL.—In consultation with other  
2           members of the Chesapeake Executive Council, the  
3           Administrator may provide technical assistance, and  
4           assistance grants, to nonprofit private organizations  
5           and individuals, State and local governments, col-  
6           leges, universities, and interstate agencies to carry  
7           out this section, subject to such terms and condi-  
8           tions as the Administrator considers appropriate.

9           “(2) FEDERAL SHARE.—

10           “(A) IN GENERAL.—Except as provided in  
11           subparagraph (B), the Federal share of an as-  
12           sistance grant provided under paragraph (1)  
13           shall be determined by the Administrator in ac-  
14           cordance with Environmental Protection Agency  
15           guidance.

16           “(B) SMALL WATERSHED GRANTS PRO-  
17           GRAM.—The Federal share of an assistance  
18           grant provided under paragraph (1) to carry  
19           out an implementing activity under subsection  
20           (g)(2) shall not exceed 75 percent of eligible  
21           project costs, as determined by the Adminis-  
22           trator.

23           “(3) NON-FEDERAL SHARE.—An assistance  
24           grant under paragraph (1) shall be provided on the  
25           condition that non-Federal sources provide the re-

1 mainder of eligible project costs, as determined by  
2 the Administrator.

3 “(4) ADMINISTRATIVE COSTS.—Administrative  
4 costs (including salaries, overhead, and indirect costs  
5 for services provided and charged against projects  
6 supported by funds made available under this sub-  
7 section) incurred by a person described in paragraph  
8 (1) in carrying out a project under this subsection  
9 during a fiscal year shall not exceed 10 percent of  
10 the grant made to the person under this subsection  
11 for the fiscal year.

12 “(e) IMPLEMENTATION GRANTS.—

13 “(1) IN GENERAL.—If a signatory jurisdiction  
14 has approved and committed to implement all or  
15 substantially all aspects of the Chesapeake Bay  
16 Agreement, on the request of the chief executive of  
17 the jurisdiction, the Administrator shall make a  
18 grant to the jurisdiction for the purpose of imple-  
19 menting the management mechanisms established  
20 under the Chesapeake Bay Agreement, subject to  
21 such terms and conditions as the Administrator con-  
22 siders appropriate.

23 “(2) PROPOSALS.—A signatory jurisdiction de-  
24 scribed in paragraph (1) may apply for a grant  
25 under this subsection for a fiscal year by submitting

1 to the Administrator a comprehensive proposal to  
2 implement management mechanisms established  
3 under the Chesapeake Bay Agreement. The proposal  
4 shall include—

5 “(A) a description of proposed manage-  
6 ment mechanisms that the jurisdiction commits  
7 to take within a specified time period, such as  
8 reducing or preventing pollution in the Chesa-  
9 peake Bay to meet applicable water quality  
10 standards; and

11 “(B) the estimated cost of the actions pro-  
12 posed to be taken during the fiscal year.

13 “(3) APPROVAL.—If the Administrator finds  
14 that the proposal is consistent with the Chesapeake  
15 Bay Agreement and the national goals established  
16 under section 101(a), the Administrator may ap-  
17 prove the proposal for a fiscal year.

18 “(4) FEDERAL SHARE.—The Federal share of  
19 an implementation grant provided under this sub-  
20 section shall not exceed 50 percent of the costs of  
21 implementing the management mechanisms during  
22 the fiscal year.

23 “(5) NON-FEDERAL SHARE.—An implementa-  
24 tion grant under this subsection shall be made on  
25 the condition that non-Federal sources provide the

1 remainder of the costs of implementing the manage-  
2 ment mechanisms during the fiscal year.

3 “(6) ADMINISTRATIVE COSTS.—Administrative  
4 costs (including salaries, overhead, and indirect costs  
5 for services provided and charged against projects  
6 supported by funds made available under this sub-  
7 section) incurred by a signatory jurisdiction in car-  
8 rying out a project under this subsection during a  
9 fiscal year shall not exceed 10 percent of the grant  
10 made to the jurisdiction under this subsection for  
11 the fiscal year.

12 “(f) COMPLIANCE OF FEDERAL FACILITIES.—

13 “(1) SUBWATERSHED PLANNING AND RESTORA-  
14 TION.—A Federal agency that owns or operates a  
15 facility (as defined by the Administrator) within the  
16 Chesapeake Bay watershed shall participate in re-  
17 gional and subwatershed planning and restoration  
18 programs.

19 “(2) COMPLIANCE WITH AGREEMENT.—The  
20 head of each Federal agency that owns or occupies  
21 real property in the Chesapeake Bay watershed shall  
22 ensure that the property, and actions taken by the  
23 agency with respect to the property, comply with the  
24 Chesapeake Bay Agreement.

1       “(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY,  
2 AND RIVER BASIN PROGRAM.—

3               “(1) NUTRIENT AND WATER QUALITY MANAGE-  
4       MENT STRATEGIES.—Not later than 1 year after the  
5       date of enactment of this subsection, the Adminis-  
6       trator, in consultation with other members of the  
7       Chesapeake Executive Council, shall ensure that  
8       management plans are developed and implementa-  
9       tion is begun by signatories to the Chesapeake Bay  
10      Agreement for the tributaries of the Chesapeake Bay  
11      to achieve and maintain—

12              “(A) the nutrient goals of the Chesapeake  
13      Bay Agreement for the quantity of nitrogen and  
14      phosphorus entering the main stem Chesapeake  
15      Bay;

16              “(B) the water quality requirements nec-  
17      essary to restore living resources in both the  
18      tributaries and the main stem of the Chesa-  
19      peake Bay;

20              “(C) the Chesapeake Bay basinwide toxics  
21      reduction and prevention strategy goal of reduc-  
22      ing or eliminating the input of chemical con-  
23      taminants from all controllable sources to levels  
24      that result in no toxic or bioaccumulative im-

1 pact on the living resources that inhabit the  
2 Bay or on human health; and

3 “(D) habitat restoration, protection, and  
4 enhancement goals established by Chesapeake  
5 Bay Agreement signatories for wetlands, forest  
6 riparian zones, and other types of habitat asso-  
7 ciated with the Chesapeake Bay and the tribu-  
8 taries of the Chesapeake Bay.

9 “(2) SMALL WATERSHED GRANTS PROGRAM.—  
10 The Administrator, in consultation with other mem-  
11 bers of the Chesapeake Executive Council, may offer  
12 the technical assistance and assistance grants au-  
13 thorized under subsection (d) to local governments  
14 and nonprofit private organizations and individuals  
15 in the Chesapeake Bay watershed to implement—

16 “(A) cooperative tributary basin strategies  
17 that address the Chesapeake Bay’s water qual-  
18 ity and living resource needs; or

19 “(B) locally based protection and restora-  
20 tion programs or projects within a watershed  
21 that complement the tributary basin strategies.

22 “(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not  
23 later than December 31, 2000, and every 3 years there-  
24 after, the Administrator, in cooperation with other mem-  
25 bers of the Chesapeake Executive Council, shall complete

1 a study and submit a comprehensive report to Congress  
2 on the results of the study. The study and report shall,  
3 at a minimum—

4 “(1) assess the commitments and goals of the  
5 management strategies established under the Chesapeake Bay Agreement and the extent to which the  
6 commitments and goals are being met;  
7

8 “(2) assess the priority needs required by the  
9 management strategies and the extent to which the  
10 priority needs are being met;

11 “(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;  
12

13 “(4) assess the state of the Chesapeake Bay  
14 and its tributaries and related actions of the Chesapeake Bay Program;  
15

16 “(5) make recommendations for the improved  
17 management of the Chesapeake Bay Program; and

18 “(6) provide the report in a format transferable  
19 to and usable by other watershed restoration programs.  
20

21 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to carry out this section  
23 \$30,000,000 for each of fiscal years 1999 through 2003.”.



1 **SEC. 202. LONG ISLAND SOUND.**

2 Section 119(e) of the Federal Water Pollution Con-  
3 trol Act (33 U.S.C. 1269(e)) is amended—

4 (1) in paragraph (1), by striking “1991  
5 through 2001” and inserting “1999 through 2003”;  
6 and

7 (2) in paragraph (2), by striking “not to exceed  
8 \$3,000,000 for each of the fiscal years 1991 through  
9 2001” and inserting “\$10,000,000 for each of fiscal  
10 years 1999 through 2003”.

○